



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
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Keith S. SMOTHERS)	Examiner: B. Hayes
)	
Serial No. 10/801,039)	Group Art Unit: 3644
)	
Filed: March 16, 2004)	Confirmation No.: 1237
)	
For: A BIRD FEEDER AND KIT)	Date: July 6, 2004

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

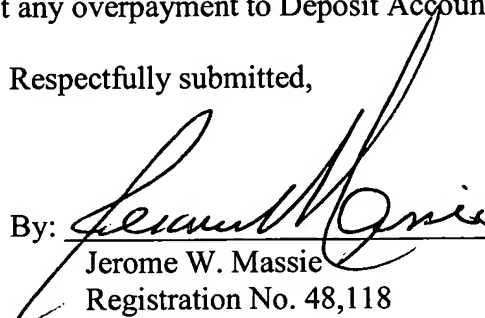
The documents are being submitted within three (3) months of the filing of this application or entry into the national stage of this application, or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

It is requested that the accompanying PTO-1449 be considered and made of record in the above-identified application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initial a copy of this form be returned to the undersigned.



The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	
				Art Unit	
Examiner Name		Attorney Docket Number			
Sheet	1	of	1		
U.S. PATENT DOCUMENTS					
Examiner Initials [*]	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-2,775,226	12-25-1956	Early	
		US-2,891,711	06-23-1959	Early	
		US-3,354,868	11-28-1967	Woodling	
		US-3,441,002	04-29-1969	Lawalin et al.	
		US-3,945,344	03-23-1976	Melrath	
		US-4,104,987	08-08-1978	Winston	
		US-4,223,637	09-23-1980	Keefe	
		US-4,223,941	09-23-1980	Janzen et al.	
		US-4,408,565	10-11-1983	Kerbs et al.	
		US-4,574,738	03-11-1986	Tominaga	
		US-4,606,298	08-19-1986	Bridge	
		US-4,664,066	05-12-1987	Steuernagel et al.	
		US-4,747,370	05-31-1988	Olson	
		US-4,896,628	01-30-1990	Kadunce	
		US-4,957,797	09-18-1990	Maeda et al.	
		US-4,958,595	09-25-1990	Richman et al.	
		US-4,989,548	02-05-1991	Short et al.	
		US-5,140,945	08-25-1992	Barnhart et al.	
		US-5,479,879	01-02-1996	Biek	
		US-5,479,881	01-02-1996	Lush et al.	
		US-5,495,825	03-05-1996	Eckelman	
		US-5,634,429	06-03-1997	Loomis et al.	
		US-5,740,758	04-21-1998	Damm	
		US-5,740,759	04-21-1998	Cummings	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature	Date Considered
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